

## Calendar No. 518

97<sup>TH</sup> CONGRESS  
2D SESSION

# S. 2240

[Report No. 97-365]

To amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules.

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### IN THE SENATE OF THE UNITED STATES

MARCH 18 (legislative day, FEBRUARY 22), 1982

Mr. STEVENS (for himself, Mr. WARNER, and Mr. NUNN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

APRIL 28 (legislative day, APRIL 13), 1982

Reported by Mr. ROTH, with amendments

[Omit the part struck through and insert the part printed in italic]

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## A BILL

To amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 That this Act may be cited as the "Federal Employees Flexi-  
2 ble and Compressed Work Schedules Act of 1982".

3 SEC. 2. (a) Chapter 61 of title 5, United States Code, is  
4 amended—

5 (1) by inserting before section 6101 the following:

6 "SUBCHAPTER I—GENERAL PROVISIONS";

7 and

8 (2) by adding at the end thereof the following new  
9 subchapter:

10 "SUBCHAPTER II—FLEXIBLE AND COMPRESSED  
11 WORK SCHEDULES

12 "§ 6120. Purpose

13 "The Congress finds that the use of flexible and com-  
14 pressed work schedules has the potential to improve produc-  
15 tivity in the Federal Government and provide greater service  
16 to the public.

17 "§ 6121. Definitions

18 "For purposes of this subchapter—

19 "(1) 'agency' means any Executive agency, any  
20 military department, and the Library of Congress;

21 "(2) 'employee' has the meaning given it by sec-  
22 tion 2105 of this title;

23 "(3) 'basic work requirement' means the number  
24 of hours, excluding overtime hours, which an employee

1 is required to work or is required to account for by  
2 leave or otherwise;

3 “(4) ‘credit hours’ means any hours, within a  
4 flexible schedule established under section 6122 of this  
5 title, which are in excess of an employee’s basic work  
6 requirement and which the employee elects to work so  
7 as to vary the length of a workweek or a workday;

8 “(5) ‘compressed schedule’ means—

9 “(A) in the case of a full-time employee, an  
10 80-hour biweekly basic work requirement which is  
11 scheduled for less than 10 workdays, and

12 “(B) in the case of a part-time employee, a  
13 biweekly basic work requirement of less than 80  
14 hours which is scheduled for less than 10 work-  
15 days;

16 “(6) ‘overtime hours’, when used with respect to  
17 flexible schedule programs under sections 6122 through  
18 6126 of this title, means all hours in excess of 8 hours  
19 in a day or 40 hours in a week which are officially or-  
20 dered in advance, but does not include credit hours;  
21 and

22 “(7) ‘overtime hours’, when used with respect to  
23 compressed schedule programs under sections 6127  
24 and 6128 of this title, means any hours in excess of

4.

1       those specified hours which constitute the compressed  
2       schedule.

3               “(8) ‘collective bargaining’, ‘collective bargaining  
4       agreement’, and exclusive representative’ have the same  
5       meanings given such terms—

6               “(A) by section 7103(a)(12), (8), and (16) of  
7       this title, respectively, in the case of any unit cov-  
8       ered by chapter 71 of this title; and

9               “(B) in the case of any other unit, by the  
10       corresponding provisions applicable under the per-  
11       sonnel system covering this unit.”.

12   **“§ 6122. Flexible schedules; agencies authorized to use**

13       “(a) Notwithstanding section 6101 of this title, each  
14       agency may establish, in accordance with this subchapter,  
15       programs which allow the use of flexible schedules which in-  
16       clude—

17               “(1) designated hours and days during which an  
18       employee on such a schedule must be present for work;  
19       and

20               “(2) designated hours during which an employee  
21       on such a schedule may elect the time of such  
22       employee’s arrival at and departure from work, solely  
23       for such purpose or, if and to the extent permitted, for  
24       the purpose of accumulating credit hours to reduce the  
25       length of the workweek or another workday.

1 An election by an employee referred to in paragraph (2) shall  
2 be subject to limitations generally prescribed to ensure that  
3 the duties and requirements of the employee's position are  
4 fulfilled.

5 “(b) Notwithstanding any other provision of this sub-  
6 chapter, but subject to the terms of any written agreement  
7 referred to in section 6130(a) of this title, if the head of an  
8 agency determines that any organization within the agency  
9 which is participating in a program under subsection (a) is  
10 being substantially disrupted in carrying out its functions or is  
11 incurring additional costs because of such participation, such  
12 agency head may—

13 “(1) restrict the employees' choice of arrival and  
14 departure time,

15 “(2) restrict the use of credit hours, or

16 “(3) exclude from such program any employee or  
17 group of employees.

18 **“§ 6123. Flexible schedules; computation of premium pay**

19 “(a) For purposes of determining compensation for over-  
20 time hours in the case of an employee participating in a pro-  
21 gram under section 6122 of this title—

22 “(1) the head of an agency may, on request of the  
23 employee, grant the employee compensatory time off in  
24 lieu of payment for such overtime hours, whether or  
25 not irregular or occasional in nature and notwithstand-

1       ing the provisions of sections 5542(a), 5543(a)(1),  
2       5544(a), and 5550 of this title, section 4107(e)(5) of  
3       title 38, section 7 of the Fair Labor Standards Act (29  
4       U.S.C. 207), or any other provision of law; or

5               “(2) the employee shall be compensated for such  
6       overtime hours in accordance with such provisions, as  
7       applicable.

8               “(b) Notwithstanding the provisions of law referred to in  
9       subsection (a)(1) of this section, an employee shall not be  
10      entitled to be compensated for credit hours worked except to  
11      the extent authorized under section 6126 of this title or to  
12      the extent such employee is allowed to have such hours taken  
13      into account with respect to the employee's basic work  
14      requirement.

15              “(c)(1) Notwithstanding section 5545(a) of this title, pre-  
16      mium pay for nightwork will not be paid to an employee  
17      otherwise subject to such section solely because the employee  
18      elects to work credit hours, or elects a time of arrival or  
19      departure, at a time of day for which such premium pay is  
20      otherwise authorized, except that—

21              “(A) if an employee is on a flexible schedule  
22      under which—

23              “(i) the number of hours during which such  
24      employee must be present for work, plus

1           “(ii) the number of hours during which such  
2           employee may elect to work credit hours or elect  
3           the time of arrival at and departure from work,  
4           which occur outside of the nightwork hours designated  
5           in or under such section 5545(a) total less than 8  
6           hours, such premium pay shall be paid for those hours  
7           which, when combined with such total, do not exceed  
8           8 hours, and

9           “(B) if an employee is on a flexible schedule  
10          under which the hours that such employee must be  
11          present for work include any hours designated in or  
12          under such section 5545(a), such premium pay shall be  
13          paid for such hours so designated.

14          “(2) Notwithstanding section 5343(f) of this title, and  
15          section 4107(e)(2) of title 38, night differential will not be  
16          paid to any employee otherwise subject to either of such sec-  
17          tions solely because such employee elects to work credit  
18          hours, or elects a time of arrival or departure, at a time of  
19          day for which night differential is otherwise authorized,  
20          except that such differential shall be paid to an employee on  
21          a flexible schedule under this subchapter—

22          “(A) in the case of an employee subject to subsec-  
23          tion (f) of such section 5343, for which all or a major-  
24          ity of the hours of such schedule for any day fall be-  
25          tween the hours specified in such subsection, or

1           “(B) in the case of an employee subject to subsec-  
2       tion (e)(2) of such section 4107, for which 4 hours of  
3       such schedule fall between the hours specified in such  
4       subsection.

5       **“§ 6124. Flexible schedules; holidays**

6       “Notwithstanding sections 6103 and 6104 of this title,  
7       if any employee on a flexible schedule under section 6122 of  
8       this title is relieved or prevented from working on a day des-  
9       ignated as a holiday by Federal statute or Executive order,  
10      such employee is entitled to pay with respect to that day for  
11      8 hours (or, in the case of a part-time employee, an appropri-  
12      ate portion of the employee's biweekly basic work require-  
13      ment as determined under regulations prescribed by the  
14      Office of Personnel Management).

15      **“§ 6125. Flexible schedules; time-recording devices**

16      “Notwithstanding section 6106 of this title, the Office of  
17      Personnel Management or any agency may use recording  
18      clocks as part of programs under section 6122 of this title,  
19      and the Bureau of Engraving and Printing may use recording  
20      clocks to record time and attendance of employees of such  
21      Bureau without regard to whether the use of recording clocks  
22      is part of a program under section 6122 of this title.



1   **"§ 6126. Flexible schedules; credit hours; accumulation**  
2                   **and compensation**

3           “(a) Subject to any limitation prescribed by the Office of  
4 Personnel Management or the agency, a full-time employee  
5 on a flexible schedule can accumulate not more than 24  
6 credit hours, and a part-time employee can accumulate not  
7 more than one-fourth of the hours in such employee's biweek-  
8 ly basic work requirement, for carryover from a biweekly pay  
9 period to a succeeding biweekly pay period for credit to the  
10 basic work requirement for such period.

11          ~~“(b) Any employee who ceases to be subject to a flexible~~  
12 ~~schedule program under section 6122 of this title shall be~~  
13 ~~paid at such employee's then current rate of basic pay for—~~

14               ~~“(1) in the case of a full-time employee, the~~  
15               ~~number of credit hours accumulated by such employee~~  
16               ~~not exceeding 24 credit hours, or~~

17               ~~“(2) in the case of a part-time employee, the~~  
18               ~~number of credit hours accumulated by such employee~~  
19               ~~not exceeding one-fourth of the hours in such~~  
20               ~~employee's biweekly basic work requirement.~~

21          “(b) *Any employee who is on a flexible schedule pro-*  
22 *gram under section 6122 of this title and who is no longer*  
23 *subject to such a program shall be paid at such employee's*  
24 *then current rate of basic pay for—*

25               “(1) *in the case of a full-time employee, not more*  
26               *than 24 credit hours accumulated by such employee, or*

1           “(2) in the case of a part-time employee, the  
2           number of credit hours (not excess of one-fourth of the  
3           hours in such employee’s biweekly basic work require-  
4           ment) accumulated by such employee.”.

5   **“§ 6127. Compressed schedules; agencies authorized to use**

6           “(a) Notwithstanding section 6101 of this title, each  
7           agency may establish programs which use a 4-day workweek  
8           or other compressed schedule.

9           “(b)(1) An employee in a unit with respect to which an  
10          organization of Government employees has not been accord-  
11          ed exclusive recognition shall not be required to participate in  
12          any program under subsection (a) unless a majority of the  
13          employees in such unit who, but for this paragraph, would be  
14          included in such program have voted to be so included.

15          “(2) Upon written request to any agency by an employ-  
16          ee, the agency, if it determines that participation in a pro-  
17          gram under subsection (a) would impose a personal hardship  
18          on such employee, shall—

19               “(A) except such employee from such program; or

20               “(B) reassign such employee to the first position  
21          within the agency—

22                       “(i) which becomes vacant after such deter-  
23          mination,

24                       “(ii) which is not included within such pro-  
25          gram,

1                   “(iii) for which such employee is qualified,  
2                   and

3                   “(iv) which is acceptable to the employee.

4 A determination by an agency under this paragraph shall be  
5 made not later than 10 days after the day on which a written  
6 request for such determination is received by the agency.

7 **“§ 6128. Compressed schedules; computation of premium**  
8 **pay**

9           “(a) The provisions of sections 5542(a), 5544(a), and  
10 5550(2) of this title, section 4107(e)(5) of title 38, section 7  
11 of the Fair Labor Standards Act (29 U.S.C. 207), or any  
12 other law, which relate to premium pay for overtime work,  
13 shall not apply to the hours which constitute a compressed  
14 schedule.

15           “(b) In the case of any full-time employee, hours worked  
16 in excess of the compressed schedule shall be overtime hours  
17 and shall be paid for as provided by the applicable provisions  
18 referred to in subsection (a) of this section. In the case of any  
19 part-time employee on a compressed schedule, overtime pay  
20 shall begin to be paid after the same number of hours of work  
21 after which a full-time employee on a similar schedule would  
22 begin to receive overtime pay.

23           “(c) Notwithstanding section 5544(a), 5546(a), or  
24 5550(1) of this title, or any other applicable provision of law,  
25 in the case of any full-time employee on a compressed sched-

1   ule who performs work (other than overtime work) on a tour  
2   of duty for any workday a part of which is performed on a  
3   Sunday, such employee is entitled to pay for work performed  
4   during the entire tour of duty at the rate of such employee's  
5   basic pay, plus premium pay at a rate equal to 25 percent of  
6   such basic pay rate.

7       “(d) Notwithstanding section 5546(b) of this title, an  
8   employee on a compressed schedule who performs work on a  
9   holiday designated by Federal statute or Executive order is  
10  entitled to pay at the rate of such employee's basic pay, plus  
11  premium pay at a rate equal to such basic pay rate, for such  
12  work which is not in excess of the basic work requirement of  
13  such employee for such day. For hours worked on such a  
14  holiday in excess of the basic work requirement for such day,  
15  the employee is entitled to premium pay in accordance with  
16  the provisions of section 5542(a) or 5544(a) of this title, as  
17  applicable, or the provisions of section 7 of the Fair Labor  
18  Standards Act (29 U.S.C. 207) whichever provisions are  
19  more beneficial to the employee.

20   **“§ 6129. Administration of leave and retirement provisions**

21       “For purposes of administering sections 6303(a), 6304,  
22  6307 (a) and (c), 6323, 6326, and 8339(m) of this title, in the  
23  case of an employee who is in any program under this sub-  
24  chapter, references to a day or workday (or to multiples or  
25  parts thereof) contained in such sections shall be considered

1 to be references to 8 hours (or to the respective multiples or  
2 parts thereof).

3 **"§ 6130. Application of programs in the case of negotiated**  
4 **contracts**

5       “(a) Where employees have selected an exclusive repre-  
6 sentative under chapter 71 of this title, chapter 10 of the  
7 Foreign Service Act of 1980 (22 U.S.C. 4101 et seq.), or any  
8 other provision of law, Executive order, or regulation, the  
9 initiation, termination, and provisions of a flexible or com-  
10 pressed work schedule shall be subject to the terms of a ne-  
11 gotiated contract between the agency and the exclusive rep-  
12 resentative. If the agency and the exclusive representative  
13 reach impasse over the initiation, termination, or provisions  
14 of a flexible or compressed work schedule, the impasse shall  
15 be resolved by the Federal Service Impasses Panel under the  
16 criteria set forth in section 6131 of this title.

17       “(b) Employees within a unit with respect to which an  
18 organization of Government employees has been accorded  
19 exclusive recognition shall not be included within any pro-  
20 gram under this subchapter except to the extent expressly  
21 provided under a written agreement between the agency and  
22 such organization.

23       “(c) An agency may not participate in a flexible or com-  
24 pressed schedule program under a negotiated contract which  
25 contains premium pay provisions which are inconsistent with

1 the provisions of section 6123 or 6128 of this title, as appli-  
2 eable.

3 ***“§ 6130. Application of programs in the case of collective***  
4 ***bargaining agreements***

5 *“(a)(1) In the case of employees in a unit represented*  
6 *by an exclusive representative, any flexible or compressed*  
7 *work schedule, and the establishment and termination of any*  
8 *such schedule, shall be subject to the provisions of this sub-*  
9 *chapter and the terms of a collective bargaining agreement*  
10 *between the agency and the exclusive representative.*

11 *“(2) Employees within a unit represented by an ex-*  
12 *clusive representative shall not be included within any pro-*  
13 *gram under this subchapter except to the extent expressly*  
14 *provided under a collective bargaining agreement between the*  
15 *agency and the exclusive representative.*

16 *“(b) An agency may not participate in a flexible or com-*  
17 *pressed schedule program under a collective bargaining*  
18 *agreement which contains premium pay provisions which are*  
19 *inconsistent with the provisions of section 6123 or 6128 of*  
20 *this title, as applicable.”.*

21 ***“§ 6131. Criteria and review***

22 *“(a) Notwithstanding any other provision of this sub-*  
23 *chapter (except the provisions of this section and section*  
24 *6130 of this title), an agency shall not establish a flexible or*  
25 *compressed schedule under this subchapter and shall immedi-*

1 ately terminate such a schedule that has been established  
2 under this subchapter, in any case in which the agency deter-  
3 mines on the basis of factual evidence that such a schedule  
4 would have or has had the effect of—

5 “(1) reducing the productivity of the agency;

6 “(2) diminishing the level of services furnished to  
7 the public by the agency; or

8 “(3) increasing the cost of agency operations.

9 “(b) In any case in which an agency and an organization  
10 of Government employees that has been accorded exclusive  
11 recognition for a unit of employees in such agency reach an  
12 impasse in negotiations with respect to an agency decision  
13 not to establish a compressed schedule (including a flexible  
14 schedule that, but for the provisions of this subchapter or the  
15 Federal Employees Flexible and Compressed Work Sched-  
16 ules Act of 1978 (5 U.S.C. 6101 note), would have required  
17 the payment of premium pay or night differential), the im-  
18 passe shall be presented to the Federal Service Impasses  
19 Panel. The Federal Service Impasses Panel shall rule in  
20 favor of the agency's decision only if the decision is supported  
21 by evidence establishing that the schedule will cause any  
22 result described in subsection (a)(1), (a)(2), or (a)(3).

23 “(c)(1) If an agency and an organization of Government  
24 employees which has been accorded exclusive recognition for  
25 a unit in the agency have entered into a negotiated agree-

1 ment providing for use of a flexible or compressed schedule  
2 under this subchapter, the agency may reopen the agreement  
3 to seek termination of the schedule established under such  
4 agreement at any time the agency determines on the basis of  
5 evidence that the schedule has caused any result described in  
6 subsection (a)(1), (a)(2), or (a)(3) of this section. Any impasse  
7 arising between the agency and the organization of Govern-  
8 ment employees with respect to the termination of the sched-  
9 ule shall be presented to the Federal Services Impasses  
10 Panel.

11       “(2) The Federal Services Impasses Panel shall, not  
12 later than 60 days after the date on which the Panel is pre-  
13 sented an impasse under paragraph (1) of this subsection, rule  
14 on such impasse. The Panel shall rule in favor of the agency  
15 only if the agency decision is supported by evidence estab-  
16 lishing that the schedule which is the subject of the impasse  
17 has caused any result described in subsection (a)(1), (a)(2), or  
18 (a)(3) of this section.

19       “(d) For the purposes of this section the term ‘Federal  
20 Services Impasses Panel’ means the Federal Services Im-  
21 passes Panel described in section 7110(e) of this title.

22       “(a) Notwithstanding the preceding provisions of this  
23 subchapter or any collective bargaining agreement and sub-  
24 ject to subsection (c) of this section, if the head of an agency  
25 finds that a particular flexible or compressed schedule under



1 *this subchapter has had or would have an adverse agency*  
2 *impact, the agency shall promptly determine not to—*

3       “(1) *establish such schedule; or*

4       “(2) *continue such schedule, if the schedule has*  
5 *already been established.*

6       “(b) *For purposes of this section, ‘adverse agency*  
7 *impact’ means—*

8       “(1) *a reduction of the productivity of the agency;*

9       “(2) *a diminished level of services furnished to*  
10 *the public by the agency; or*

11       “(3) *an increase in the cost of agency operations.*

12       “(c)(1) *This subsection shall apply in the case of any*  
13 *schedule covering employees in a unit represented by an ex-*  
14 *clusive representative.*

15       “(2)(A) *If an agency and an exclusive representative*  
16 *reach an impasse in collective bargaining with respect to an*  
17 *agency determination under subsection (a)(1) not to establish*  
18 *a flexible or compressed schedule, the impasse shall be pre-*  
19 *sented to the Federal Service Impasses Panel (hereinafter in*  
20 *this section referred to as the ‘Panel’).*

21       “(B) *The Panel shall promptly consider any case pre-*  
22 *sented under subparagraph (A), and shall take final action in*  
23 *favor of the agency’s determination if the finding on which it*  
24 *is based is supported by evidence that the schedule is likely to*  
25 *cause an adverse agency impact.*

1       “(3)(A) If an agency and an exclusive representative  
2 have entered into a collective bargaining agreement providing  
3 for use of a flexible or compressed schedule under this sub-  
4 chapter and the head of the agency determines under subsec-  
5 tion (a)(2) to terminate a flexible or compressed schedule, the  
6 agency may reopen the agreement to seek termination of the  
7 schedule involved.

8       “(B) If the agency and exclusive representative reach  
9 an impasse in collective bargaining with respect to terminat-  
10 ing such schedule, the impasse shall be presented to the  
11 Panel.

12       “(C) The Panel shall promptly consider any case pre-  
13 sented under subparagraph (B), and shall rule on such im-  
14 passe not later than 60 days after the date the Panel is pre-  
15 sented the impasse. The Panel shall take final action in favor  
16 of the agency's determination to terminate a schedule if the  
17 finding on which the determination is based is supported by  
18 evidence that the schedule has caused an adverse agency  
19 impact.

20       “(D) Any such schedule may not be terminated until—

21               “(i) the agreement covering such schedule is re-  
22 negotiated or expires or terminates pursuant to the  
23 terms of that agreement; or

1           “(ii) the date of the Panel’s final decision, if an  
2           impasse arose in the reopening of the agreement under  
3           subparagraph (A) of this paragraph.

4           “(d) This section shall not apply with respect to flexible  
5           schedules that may be established without regard to the au-  
6           thority provided under this subchapter.”.

7   **“§ 6132. Prohibition of coercion**

8           “(a) An employee may not directly or indirectly intimi-  
9           date, threaten, or coerce, or attempt to intimidate, threaten,  
10          or coerce, any other employee for the purpose of interfering  
11          with—

12           “(1) such employee’s rights under sections 6122  
13          through 6126 of this title to elect a time of arrival or  
14          departure, to work or not to work credit hours, or to  
15          request or not to request compensatory time off in lieu  
16          of payment for overtime hours; or

17           “(2) such employee’s right under section  
18          6127(b)(1) of this title to vote whether or not to be in-  
19          cluded within a compressed schedule program or such  
20          employee’s right to request an agency determination  
21          under section 6127(b)(2) of this title.

22           “(b) For the purpose of subsection (a), the term ‘intimi-  
23          date, threaten, or coerce’ includes, but is not limited to,  
24          promising to confer or conferring any benefit (such as ap-  
25          pointment, promotion, or compensation), or effecting or

1 threatening to effect any reprisal (such as deprivation of ap-  
2 pointment, promotion, or compensation).

3 **"§ 6133. Regulations; technical assistance; program review**

4       “(a) The Office of Personnel Management shall pre-  
5 scribe regulations necessary for the administration of the pro-  
6 grams established under this subchapter.

7       “(b)(1) The Office shall provide educational material,  
8 and technical aids and assistance, for use by an agency in  
9 connection with establishing and maintaining programs under  
10 this subchapter.

11       “(2) In order to provide the most effective materials,  
12 aids, and assistance under paragraph (1), the Office shall con-  
13 duct periodic reviews of programs established by agencies  
14 under this subchapter particularly insofar as such programs  
15 may affect—

16               “(A) the efficiency of Government operations;

17               “(B) mass transit facilities and traffic;

18               “(C) levels of energy consumption;

19               “(D) service to the public;

20               “(E) increased opportunities for full-time and part-  
21 time employment; and

22               “(F) employees' job satisfaction and nonworklife.

23       “(c) With respect to employees in the Library of Con-  
24 gress, the authority granted to the Office of Personnel Man-

1 agement under this subchapter shall be exercised by the Li-  
2 brarian of Congress.”.

3 (b) The table of sections at the beginning of such chap-  
4 ter is amended—

5 (1) by inserting before the item relating to section  
6 6101 the following:

“SUBCHAPTER I—GENERAL PROVISIONS”;

7 and

8 (2) by adding at the end thereof the following:

“SUBCHAPTER II—FLEXIBLE AND COMPRESSED WORK SCHEDULES

“Sec.

“6120. Purpose.

“6121. Definitions.

“6122. Flexible schedules; agencies authorized to use.

“6123. Flexible schedules; computation of premium pay.

“6124. Flexible schedules; holidays.

“6125. Flexible schedules; time-recording devices.

“6126. Flexible schedules; credit hours; accumulation and compensation.

“6127. Compressed schedules; agencies authorized to use.

“6128. Compressed schedules; computation of premium pay.

“6129. Administration of leave and retirement provisions.

“6130. Application of programs in the case of negotiated contracts.

“6131. Criteria and review.

“6132. Prohibition of coercion.

“6133. Regulations; technical assistance; program review.”.

9 SEC. 3. Section 3401(2) of title 5, United States Code,  
10 is amended by inserting “(or 32 to 64 hours during a  
11 biweekly pay period in the case of a flexible or compressed  
12 work schedule under subchapter II of chapter 61 of this  
13 title)” after “week”.

14 SEC. 4. Each flexible or compressed work schedule es-  
15 tablished by any agency under the Federal Employees Flexi-  
16 ble and Compressed Work Schedules Act of 1978 (5 U.S.C.  
17 6101 note) in existence on the date of enactment of this Act

1 shall be continued by the agency concerned subject to the  
2 review of such schedule by the agency within 90 days after  
3 the date of enactment of this Act and such further action as  
4 the agency shall take under the second sentence of this sec-  
5 tion. If, in reviewing the schedule, the agency determines  
6 that the schedule has reduced the productivity of the agency  
7 or the level of services to the public or has increased the cost  
8 of the agency operations, the agency shall, notwithstanding  
9 any provision of a negotiated agreement, immediately termi-  
10 nate such schedule and such termination shall not be subject  
11 to negotiation or to administrative review (except as the  
12 President may provide) or to judicial review.

13       SEC. 5. The amendments made by this Act shall not be  
14 in effect after three years after the date of the enactment of  
15 this Act.

Calendar No. 518

97TH CONGRESS  
2D SESSION

**S. 2240**

[Report No. 97-365]

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## **A BILL**

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To amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules.

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APRIL 28 (legislative day, APRIL 13), 1982  
Reported with amendments

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